

RICHARD A. JONES (Bar No. 135248)  
(rjones@cov.com)  
COVINGTON & BURLING LLP  
One Front Street  
San Francisco, CA 94111  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

**Attorneys for Plaintiff**  
**Roots Ready Made Garments Co. W.L.L.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ROOTS READY MADE GARMENTS CO.  
W.L.L.,

Plaintiff,

v.

THE GAP, INC., a/k/a, GAP, INC., GAP  
INTERNATIONAL SALES, INC., BANANA  
REPUBLIC, LLC, AND OLD NAVY, LLC,

Defendants.

Case No: C 07 3363 CRB

**DECLARATION OF ROBERT P.  
HANEY IN SUPPORT OF EX PARTE  
ADMINISTRATIVE MOTION OF  
ROOTS READY MADE GARMENT CO.  
FOR AN EXPEDITED HEARING ON  
MOTION TO CONSOLIDATE  
RELATED ACTIONS**

GABANA GULF DISTRIBUTION LTD., and  
GABANA DISTRIBUTION LTD.,

Plaintiffs,

v.

GAP INTERNATIONAL SALES, INC., THE  
GAP, INC., BANANA REPUBLIC, LLC, AND  
OLD NAVY, LLC,

Defendants.

Case No.: C 06 2584 CRB

Robert P. Haney Jr. declares the following under penalty of perjury:

1. I am an attorney admitted to appear before this Court *pro hac vice* in *Roots Ready Made Garments Co. W.L.L. v. The Gap, Inc., et al.*, C 07 3363 CRB (the “Roots Action”), and am counsel to Roots Ready Made Garments Co. W.L.L. (“Roots”).

2. I make this Declaration pursuant to Local Rule 7-11 in support of Roots’ Ex Parte Administrative Motion For An Expedited Hearing on Roots’ Motion to Consolidate Related Actions Pursuant to Fed. R. Civ. P. 42(a), and to place certain documents before the Court.

3. Roots seeks to consolidate the Roots Action with another related action pending in the same district, *Gabana Gulf Distribution Ltd., et al. v. Gap International Sales, Inc., et al.*, C 06 2584 CRB (the “Gabana Action”).

4. The Roots Action and the Gabana Action arise out of the same transactions, assert virtually identical causes of action against the same defendants (collectively, “Gap”), and seek to recover the same money based on the purchase of the same goods. In the interests of efficiency, and to avoid the possibility of inconsistent judgments, Roots seeks to have the actions consolidated for purposes of discovery and trial.

5. Discovery is ongoing in the Gabana Action, and Roots has been informed that depositions are scheduled to occur at the end of July and the week of August 6, 2007. In order to enable Roots to participate in these depositions, Roots respectfully requests an expedited hearing on its Motion to Consolidate.

6. Under Roots’ proposed schedule, any opposition papers would be filed on or before Friday July 27, 2007, and the Court would hear oral argument on Monday, July 30, or as soon thereafter as the Court is available.

7. Roots has been unable to obtain a stipulation for an expedited schedule. Counsel for Gap has indicated that Gap opposes any motion to consolidate the Roots Action and the

1 Gabana Action, and any attempt by Roots to participate in discovery in the Gabana Action at  
2 this time.

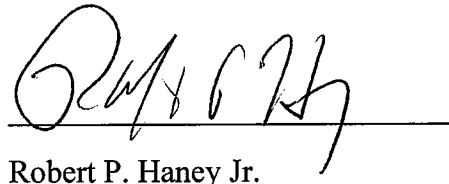
3 8. Attached as Exhibit 1 is an example of communications between a representative  
4 of Roots, Malik Dahlan, and a Gap executive, Ron Young, which demonstrates ongoing  
5 business discussions between Gap and Roots to resolve outstanding issues between the  
6 companies.

7 9. Attached as Exhibit 2 is a copy of an email I sent on June 25, 2007 to Christa  
8 Anderson, one of Gap's lawyers, proposing a tolling agreement to facilitate the discussions  
9 between Roots and Gap.

10 10. Ms. Anderson informed me that Gap would not agree to a tolling agreement, and  
11 the Roots Action was commenced the next day, June 26, 2007.

12 I declare under penalty of perjury that the foregoing is true and correct.

13  
14 Executed this 25th day of July 2007 in New York, New York.

15  
16   
17 Robert P. Haney Jr.